

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**May 1, 2013**

Diane M. Fremgen  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2012AP1168**

**Cir. Ct. No. 2011SC4271**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT II**

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**PJL PROPERTIES, LLC,**

**PLAINTIFF-APPELLANT,**

**V.**

**FRANCISCO S. RIOS AND MELDA MARTINEZ,**

**DEFENDANTS-RESPONDENTS.**

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APPEAL from an order of the circuit court for Winnebago County:  
BARBARA H. KEY, Judge. *Affirmed.*

¶1 REILLY, J.<sup>1</sup> PJL Properties, LLC appeals the dismissal of its small claims action. We affirm as the record supplied by PJL was devoid of the opinion

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2011-12). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

of the circuit court, contrary to WIS. STAT. RULES 809.11(4)(a) and 809.15(1)(a)6. As a result, the circuit court's findings are deemed correct. *See Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979).

¶2 PJL filed this suit against its former tenants Francisco S. Rios and Melda Martinez seeking past-due rent, late fees, damages, and cleaning charges pursuant to a rental agreement. The suit was dismissed by a court commissioner following a hearing involving the parties. PJL thereafter filed a demand for a trial before the circuit court. The circuit court dismissed PJL's suit. PJL appeals.

¶3 PJL argues that the circuit court erred in declining to award it lost rent and late fees. Although PJL attributes certain findings to the circuit court in its brief, PJL did not submit on appeal the circuit court's order or a transcript documenting how the circuit court exercised its discretion or applied the law.<sup>2</sup> When an issue raised on appeal is coupled with an incomplete record, we cannot review the circuit court's exercise of its discretion or application of the law. *See State Bank of Hartland v. Arndt*, 129 Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986). We assume the missing record supports the circuit court's decision. *Id.*

*By the Court.*—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

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<sup>2</sup> This is not the first time that PJL has been warned about the consequences of an incomplete record on an appeal. *See PJI Props., LLC v. Recla*, No. 2007AP1920, unpublished slip op. ¶5 (WI App Dec. 27, 2007).



